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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DENNIS FLOKER,

12 Plaintiff,

13 No. C06-5561 RJB/KLS

14 v.

15 CHERLY BALES-JOHNSON, JAY
16 JACKSON, and DIANE BENFIELD,

17 Defendants.

18 **ORDER ADOPTING REPORT AND
19 RECOMMENDATION**

20 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
21 L. Strombom (Dkt. 335), plaintiff's objections to the Report and Recommendation (Dkt. 338),
22 and the remaining record, does hereby find and **ORDER**:

- 23 (1) In the Report and Recommendation, the magistrate judge carefully and
24 thoroughly analyzed the issues. In his objections, plaintiff again argues that the
25 institution must use the nutritional guidelines he has identified; that the Kosher
26 and mainline diets are/were inadequate in essential nutrients; that the diets do/did
not include sufficient calories; that the premade Kosher dinners are not edible;
and that the court should appoint counsel to represent him. Dkt. 338. Plaintiff has
not shown exceptional circumstances warranting appointment of counsel.
Further, the issues plaintiff raises in his objections were dealt with in the Report
and Recommendation; those issues are without merit. The court concurs with the
analysis and conclusions of the magistrate judge. The Court **ADOPTS** the Report
and Recommendation (Dkt. 335).

1 (2) Defendants' motion for summary judgment (Dkt. 307) is **GRANTED**. This case
2 is **DISMISSED WITH PREJUDICE**.

3 (3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
4 Defendants and to the Hon. Karen L. Strombom.

5 **DATED** this 27th day of October, 2010.

6 
7 Robert J. Bryan

8 ROBERT J. BRYAN
9 United States District Judge